

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JESSIE PAUL MARTINEZ, <i>Petitioner,</i>	§	
	§	
	§	
vs.	§	CIVIL ACTION H-06-1360
	§	
NATHANIEL QUARTERMAN, Director, Texas Department of Criminal Justice, Correctional Institutions Division <i>Respondent.</i>	§	
	§	
	§	
	§	

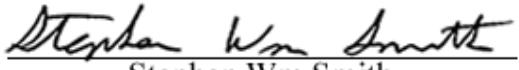
MEMORANDUM AND RECOMMENDATION

Respondent Nathaniel Quarterman filed a motion to transfer venue (Dkt. 10-1) requesting petitioner Jessie Paul Martinez's petition for writ of habeas corpus be transferred to a court of proper jurisdiction. Because Texas has two or more Federal judicial districts, a petition for writ of habeas corpus is properly filed either in the district where the petitioner is in custody or in the district within which the State court is located that convicted and sentenced the petitioner. 28 U.S.C. § 2241(d). Respondent has requested that the petition be transferred to the Eastern District of Texas where the petitioner is presently confined, or to the Northern District of Texas where the petitioner was convicted and sentenced.

Therefore, pursuant to FED. R. Civ. P. 12(b)(3), this court RECOMMENDS that petitioner's case be TRANSFERRED to the Northern District of Texas.

The parties have ten days from service of this Memorandum and Recommendation to file written objections. Failure to file timely objections will preclude appellate review of factual findings or legal conclusions, except for plain error. *See* FED. R. Civ. P. 72.

Signed at Houston, Texas on August 1, 2006.



Stephen Wm Smith
United States Magistrate Judge